

REMARKS

This communication is in response to the Office Action of **October 27, 2009** requiring a species election according to 35 U.S.C. § 121. In particular, the Office Action stated:

Applicant must disclose what type of medical device is claimed, what the first and second hydrogels are composed of, what crosslinking agents are used and in which layers, what contrast agents are used and in which layers, and whether a third lubricious coating is applied.

In response, Applicants make the following provisional elections:

medical device - catheter;

first hydrogel coating - alginic acid;

second hydrogel coating - alginic acid;

ionic crosslinking agent – calcium;

covalent crosslinking agent - polyfunctional aziridine compound; and

contrast agent: Gd.

Claims 1-30 and 33-41 read on the elected species. Applicant notes as to claim 3 and its dependents, alginic acid comes in different forms. Thus, the first and second hydrogel polymers could both be alginic acid and yet differ from one another.

Applicants' election does not constitute an agreement that the species election is proper and that the delineation of species is correct.

Applicant notes that claims 30-32 have been amended to specify that the medical device is a catheter (claim 30) or a stent (claims 31 and 32).

Conclusion

In view of the foregoing it is believed that the present application is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

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